

1 of 2
FILED

January 17, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: MAM
DEPUTY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA

V.

(2) JUAN CLAUDIO D'LUNA-MENDEZ

SA-22-CR-00367-OLG-ESC

ORDER ON REPORT AND RECOMMENDATION

The Court has considered United States Magistrate Judge Elizabeth S. Chestney’s Report and Recommendation (R&R), filed December 13, 2023, concerning Defendant’s Amended Motion to Suppress. (*See* R&R, Dkt. No. 113.)

A party who wishes to object to a Magistrate Judge's findings and recommendations must serve and file specific written objections within fourteen days. FED. R. CIV. P. 72(b)(2). Defendant, through counsel, was electronically served with a copy of the R&R on December 13, 2023, and timely filed his objections on December 27, 2023. (*See* Dkt. No. 114.)

When a party objects to an R&R, the Court must make a de novo determination as to “any part of the magistrate judge’s disposition that has been properly objected to.” FED. R. CIV. P. 72(b)(3); *see United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989). Objections must be specific; frivolous, conclusory, or general objections need not be considered by the district court. *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982), *overruled on other grounds by Douglass v. U.S. Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)). Any portions of the Magistrate Judge’s findings or recommendations that were not objected to are reviewed for clear error. *Wilson*, 864 F.2d at 1221.

The Court has reviewed de novo each portion of the R&R to which Defendant has objected and finds that the R&R is correct and should be accepted. Further, to the extent that there are portions of the R&R to which Defendant has not objected, the Court finds that the R&R is neither clearly erroneous nor contrary to law. Accordingly, the Court **ACCEPTS** the Magistrate Judge's R&R (Dkt. No. 113) and, for the reasons set forth therein, Defendant's Amended Motion to Suppress (Dkt. No. 101) is **DENIED**.

It is so **ORDERED**.

SIGNED this 17 day of January, 2024.

A handwritten signature in blue ink, appearing to read 'Orlando L. Garcia', with a horizontal line underneath.

ORLANDO L. GARCIA
United States District Judge